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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,229	03/26/2004	Anu Virtanen	944-003.213	9043

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/811,229	VIRTANEN ET AL.	
	Examiner	Art Unit	
	Jean A. Gelin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 24-60 is/are rejected.
- 7) ☒ Claim(s) 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/23/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claims 14-17, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

As interpreted by the Examiner, the Applicant is suggested to replace the phrases "i.e." and "such as" by wherein.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-13, 18-, 19, and 24-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang et al. (US 2003/0039270).

Regarding claims 1, 24-27, 38, and 49, Chang teaches a method of providing signaling in a communication link between a sending node and a receiving node (fig. 9, [0062]), characterized in that the signaling contains a predetermined bit pattern that indicates whether control information in the current transmission can be used alone for decoding, or whether some part of the control information from an earlier transmission

must also be used (i.e., transmitting a MAC signaling message including control information and a signaling indication indicating transmission of control information [0033], [0035], [0062]-[0064], and [0068]). Chang further teaches the computer program is run in a processing means which forms part of an uplink/downlink dedicated channel transmission module of either the sending node or the receiving node (i.e., MAC-hs is installed in a node apparatus which inherently includes a processor for performing the function of sending and receiving [0065]-[0068]).

Regarding claims 2, 28, 39, and 50, Chang teaches a transport format combination indicator (TFCI) in the current transmission contains the control information ([0077]).

Regarding claims 3, 29, 40, and 51, Chang teaches a transport format combination indicator (TFCI) in the current transmission contains the predetermined bit pattern ([0068] and [0077]).

Regarding claims 4, 30, 41, and 52, Chang teaches wherein the communication link is based on using a hybrid automatic repeat request (HARQ) protocol ([0024], [0028], and [0083]-[0084]).

Regarding claims 5, 31, 42, and 53, Chang teaches the some part of the information is from the earlier transmission of the same block ([0034], [0081]).

Regarding claims 6, 32, 43, and 54, Chang teaches the signaling is used for decoding a transport channel being sent in the communications link ([0012]).

Regarding claims 7, 33, 44, and 55, Chang teaches wherein the communication link is an uplink or a downlink ([0065], and [0076]-[0077]).

Regarding claims 8, 34, 45, and 56, Chang teaches wherein the sending node is user equipment and the receiving node is a node B in an uplink ([0081]-[0082]).

Regarding claims 9, 35, 46, and 57, Chang teaches the sending node is a Node B and the receiving node is user equipment in a downlink ([0081]-[0082]).

Regarding claims 10, 36, 47, and 58, Chang teaches the predetermined bit pattern consists of only one bit ([0063]).

Regarding claims 11, 37, 48, and 59, Chang teaches the predetermined bit pattern consists of more than one bit in a predetermined pattern, including a bit pattern of "00" or "11" ([0063] and [0078]).

Regarding claims 12, Chang teaches the TFCI contains one bit in the form of a TFCI flag indicating how to decode data blocks in a current data frame ([0021], [0068], and [0077]).

Regarding claim 13, Chang teaches a separate dedicated control channel contains the predetermined bit pattern ([0063], [0076]-[0078]).

Regarding claim 18, Chang teaches wherein an acknowledgement (ACK) is sent depending on the outcome of the decoding ([0078]).

Regarding claim 19, Chang teaches a no-acknowledgement (NAK) is either sent or not sent depending on the outcome of the decoding ([0078]).

Regarding claim 60, Chang teaches the system is a communication system ([0030]-[0032]).

Allowable Subject Matter

5. Claims 14-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claims 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin
June 9, 2007

JEAN GELIN
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Jean Gelin". The signature is written in black ink and is positioned below the printed name and title.